IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Babu Lal Malawat & Ors. Vs. State of Rajasthan & Anr.

S.B.CR.MISC. PETITION NO.282/2005

DATE OF ORDER :: July 18, 2006

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.Pradeep Shah, for the petitioners.
Mr.Ashok Upadhyaya, P.P.
Mr.B.S.Sandhu, for non-petitioner No.2.

BY THE COURT:

By the instant criminal misc. petition under section 482 Cr.P.C., the petitioners seek quashing of FIR No.127/2004, Police Station, Hathipole, Udaipur for the offence under section 420 I.P.C.

I have heard learned counsel for the parties. Carefully gone through first information report.

It is contended by the learned counsel for the petitioner

that the complainant himself filed an application to the police that some revenue suit is pending between the parties, which has been resolved by the parties and, therefore, it is a futile exercise to investigate the FIR.

On careful perusal of the FIR, it appears that on 9.10.2004, non-petitioner No.2 Vala alias Vala Ram submitted an application to the police seeking to drop the proceeding of FIR in question. Photo copy of compromise has also been placed. In this view of the matter, it is for the police to decide finally as to whether any challan is filed against the petitioner or not. Learned Public Prosecutor may return the police investigation diary to the investigating officer and the investigating officer on the basis of investigation so conducted, file the report before the trial court.

With the above observations, the petition is disposed of. Ad interim stay order dt. 18.3.2005 is vacated. The stay petition also stands disposed of.

[H.R.PANWAR],J.

m.asif/-